



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 24, 2005

RQ-2

Steve Antosh, Treasurer
National Pro-Life Alliance PAC
4521 Windsor Arms Ct
Annandale, VA 22003

Response Due Date:
July 25, 2005

Identification Number: C00358051

Reference: Amended 12 Day Pre-Special Report (1/1/05 – 5/25/05), received 6/8/05

Dear Mr. Antosh:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-On Schedule A supporting Line 11(a)(i) of the Detailed Summary Page, your report disclosed contributions from individuals that omit the amounts of receipt and aggregate year-to-date totals. Please amend your report by supplying the information. 11 CFR §104.3(a)(4)(i)

-Commission Regulations require that a committee disclose the identification of all individuals who contribute in excess of \$200 in a calendar year. (11 CFR §104.3(a)(4)(i)) Identification for an individual is defined as the full name, mailing address, occupation and name of employer. (11 CFR §100.12) Your report discloses contributions from individuals for which the identification is not complete.

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the

20050624

requirements of federal law for the reporting of such information. (11 CFR §104.7(b)(1))

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a written request or an oral request documented in writing. (11 CFR § 104.7(b)(2))
The request must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you shall either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR §104.7(b)(4))

Please provide the missing information or a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide.

-Schedule B supporting line 23 discloses disbursements which appear to be earmarked contributions to a federal candidate. Pursuant to 11 CFR §110.6(c), the original contributor for earmarked contributions must be disclosed on Schedule B. Please refer to the attached portions of the Federal Election Commission Campaign Guide for further guidance on the reporting of earmarked contributions and amend your report accordingly.

Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

20070829

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1301.

Sincerely,



Bradley Decker

Campaign Finance Analyst
Reports Analysis Division

213

25033830227

Transmittal Report

Along with the funds, the conduit must also forward a transmittal report containing information that the candidate's campaign committee will need for its own records and reports. 110.6(c)(1).

Contributions Exceeding \$50

When an earmarked contribution exceeds \$50, the accompanying report must contain the name and address of the original contributor, the date the contribution was received by the conduit and the amount. 102.8(b). The report should also state the election designated by the contributor, if any. 110.1(b)(3).

Contributions Exceeding \$200

When an earmarked contribution exceeds \$200, the accompanying report must contain the name and address of the contributor, the contributor's occupation and employer, the date the contribution was received by the conduit and the amount. 102.8(b). The report should also state the election designated by the contributor, if any. 110.1(b)(3).

4. Reporting Conduit Activity

The conduit must comply with special reporting rules, which vary depending on whether the contribution was deposited in the conduit's bank account or was passed on directly to the campaign in the form of the original contributor's check. 110.6(c)(1)(v).

Report Filed with the Government

Separate Segregated Fund

A conduit SSF must disclose its activity on its next regularly scheduled FEC report. 110.6(c)(1)(ii).

Unregistered Entity

An individual or other unregistered entity acting as a conduit must disclose the activity in a letter to the FEC within 30 days after forwarding the earmarked contribution. 110.6(c)(1)(ii).

The letter should contain all the information listed below for SSF conduits.

earmarked CONTRIBUTIONS

SCHEDULE A (FEC Form 3X)		FOR LINE NUMBER: PAGE 1 OF 1	
ITEMIZED RECEIPTS		Use separate schedule(s) for each category of the Detailed Summary Page	
Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.			
NAME OF COMMITTEE (in Full) Unmoved Movers Incorporated PAC (UMPAC)			
Full Name (Last, First, Middle Initial) A. Joe Aristotle		Date of Receipt 08 / 19 / 2002	
Mailing Address 11 Lambda Street		Amount of Each Receipt this Period 500.00	
City Stagira		Earmarked for Tom Aquinas, Senate, NY. ^a	
State NY			
Zip Code 00000			
FEC ID number of contributing federal political committee C			
Name of Employer Unmoved Movers Inc.		Occupation Vice President	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) _____		Aggregate Year-to-Date 500.00	

SCHEDULE B (FEC Form 3X)		FOR LINE NUMBER: PAGE 1 OF 1	
ITEMIZED DISBURSEMENTS		Use separate schedule(s) for each category of the Detailed Summary Page	
Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.			
NAME OF COMMITTEE (in Full) Unmoved Movers Incorporated PAC			
Full Name (Last, First, Middle Initial) A. Committee to Elect Tom Aquinas		Date of Disbursement 08 / 25 / 2002	
Mailing Address 12 Sunna Ln.		Amount of Each Disbursement this Period 500.00	
City Rome		Earmarked by Joe Aristotle and transmitted by committee check. ^b	
State NY			
Zip Code 00000			
Purpose of Disbursement Contribution		Category Type 011	
Candidate Name Tom Aquinas			
Office Sought: <input checked="" type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) _____	

^a On FECFile, use "description" field.

^b When using FECFile, this information is entered using "memo text." See example on page 43.

Contributions Deposited in SSF's Account

Schedule A

If an earmarked contribution passes through an SSF's account, the committee reports the following information on Schedule A:

- The name and mailing address of each person making an earmarked contribution (including earmarked contributions of \$200 or less)(110.6(c)(1)(iv)(A));
- The occupation and employer of each individual making an earmarked contribution exceeding \$200 (110.6(c)(1)(iv)(A));
- The candidate designated by the contributor as the recipient of the contribution (110.6(c)(1)(iv)(B));

- The election for which the contribution was designated, if any (see 110.1(b)(3)(i));
- The amount of the earmarked contribution (110.6(c)(1)(iv)(B)); and
- The date the contribution was received by the conduit (110.6(c)(1)(iv)(C)).

Schedule B

Once the SSF has forwarded the contribution to the candidate (after depositing it in its own account), the committee reports on Schedule B:

- The candidate designated by the contributor (110.6(c)(1)(iv)(A));
- The date the contribution was forwarded (110.6(c)(1)(iv)(C));

- The amount forwarded to the candidate (110.6(c)(1)(iv)(B));
- The election designated by the contributor, if any (see 110.1(b)(3)(i));
- The name of the contributor (110.6(c)(1)(iv)(A));
- A notation that the contribution was forwarded in the form of a check drawn on the conduit's account (110.6(c)(1)(iv)(C)); and
- A statement indicating that the conduit's limit was also affected, if appropriate. (110.6(d)(2)).

Undeposited Contributions

If the SSF forwards the contribution without depositing it first (i.e., in the form of the contributor's original check), the committee must itemize the same information listed above in *memo entries* on Schedules A and B. The entries should indicate that the contribution was passed on in the form of the contributor's original check and, if appropriate, should indicate that the conduit's limits for that candidate were affected.

5. Earmarking Via Payroll Deduction

A member of the restricted class who contributes to the SSF through a payroll deduction program may subsequently earmark those contributions for specific candidates. The information in this section is based on AOs 1995-15 and 1991-29, in which the Commission ruled on programs designed for subsequent earmarking of payroll deductions. See also "Earmarked Contributions" on page 30.

Obtaining Designation and Forwarding the Contribution

The SSF must obtain a signed and dated statement from each contributor designating the particular candidate to receive the contribution, and the amount to be forwarded. Contributors should also designate the election in which they are contributing. The SSF must forward the earmarked contributions to the named candidate within 10 days of the designation of the funds.

Ledger Accounts

The SSF should keep a ledger account of each individual's payroll deduction contributions. In the case of a program set up for earmarking after the deduction

is made, this assures that the funds will not be used until the contributor designates them for a specific candidate. In one program (AO 1995-15), funds that were left undesignated past the deadline set for designation were available for use by the SSF.

Reporting

The committee must report all funds collected through payroll deduction as contributions to the SSF, regardless of whether contributors will have the later option of earmarking them for specified candidates.

When contributors subsequently designate candidates to receive funds from their ledger accounts, the SSF should report the designations as memo entries on Schedule A. (See "Contributions Deposited in SSF's Account," page 79.) The entries should also indicate that the funds were collected through payroll deduction.

The SSF should report the amount forwarded to the candidate on Schedule B (See "Contributions Deposited in SSF's Account," above), including a notation that it was an earmarked contribution.



E. Partnership Contributions¹

Outlined below are special rules concerning contributions received by SSFs from partnerships. This section may be relevant to membership organizations whose members include partnerships or LLCs that are treated as partnerships for tax purposes. 110.1(e) and 110.1(g).

1. Contribution Limits

Contributions received by an SSF from a partnership may not exceed \$5,000 per year. A contribution from a partnership also counts proportionately against each contributing partner's \$5,000 per year limit for the same political committee. 110.1(b)(1) and (e).

Note, however, that certain partnerships and partners may be prohibited from contributing. See "Prohibited Partnership Contributions," below.

2. Attribution Among Partners

Formula

A portion of the partnership contribution must be attributed to each contributing partner.² If all partners within the organization are contributing, the partnership may attribute the contribution according to each partner's share of the firm's profits. However, if the partnership attributes a contribution on another basis agreed to by the partners, or if it attributes contributions only to certain partners, the following rules must be observed:

- The contributing partners' profits must be reduced (or their losses increased) by the amount of the contribution attributed to them; and
- The profits (or losses) of only the contributing partners must be affected.

1. For more information on contributions from limited liability companies, see Chapter 1, Section 13, and Chapter 2, Section 2.

2. A portion of a contribution drawn on a partnership account may not be attributed to the spouse of a partner unless the spouse is also a member of the partnership. AO 1980-67.

03701881092